

§ 776.53 Responsibilities of a subordinate judge advocate.

(a) *Responsibilities of a subordinate judge advocate.* (1) A judge advocate is bound by this subpart notwithstanding that the judge advocate acted at the direction of another person.

(2) In recognition of a judge advocate's unique dual role as a commissioned officer and lawyer, subordinate judge advocates shall obey lawful directives and regulations of supervisory judge advocates when not inconsistent with this subpart or the duty of a judge advocate to exercise independent professional judgment as to the best interest of an individual client.

(3) A subordinate judge advocate does not violate this subpart if that judge advocate acts in accordance with a supervisory judge advocate's written and reasonable resolution of an arguable question of professional duty.

(b) [Reserved]

§ 776.54 Responsibilities regarding nonlawyer assistants.

(a) *Responsibilities regarding nonlawyer assistants*

(1) With respect to a nonlawyer under the authority, supervision, or direction of a judge advocate:

(i) The senior supervisory judge advocate in an office shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the judge advocate;

(ii) A judge advocate having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the judge advocate; and

(iii) A judge advocate shall be responsible for conduct of such a person that would be a violation of this subpart B if engaged in by a judge advocate if:

(A) The judge advocate orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(B) The judge advocate has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(2) [Reserved]

(b) [Reserved]

§ 776.55 Professional independence of a judge advocate.

(a) *Professional independence of a judge advocate.* (1) Notwithstanding a judge advocate's status as a commissioned officer subject, generally, to the authority of superiors, a judge advocate detailed or assigned to represent an individual member or employee of the Department of the Navy is expected to exercise unfettered loyalty and professional independence during the representation consistent with this subpart and remains ultimately responsible for acting in the best interest of the individual client.

(2) The exercise of professional judgment in accordance with paragraph (a)(1) of this section shall not, standing alone, be a basis for an adverse evaluation or other prejudicial action.

(b) [Reserved]

§ 776.56 Unauthorized practice of law.

(a) *Unauthorized practice of law.* (1) A judge advocate shall not:

(i) Except as authorized by an appropriate military department, practice law in a jurisdiction where doing so is prohibited by the regulations of the legal profession in that jurisdiction; or

(ii) Assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(2) [Reserved]

(b) [Reserved]

§§ 776.57–776.65 [Reserved]

§ 776.66 Bar admission and disciplinary matters.

(a) *Bar admission and disciplinary matters.* (1) A judge advocate in connection with a bar admission application, application for appointment or for active duty as a judge advocate, certification by the Judge Advocate General, or a disciplinary matter, shall not:

(i) Knowingly make a false statement of fact; or

(ii) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority,